

BOARD FOR JUDICIAL ADMINISTRATION



**WASHINGTON
COURTS**

MEETING PACKET

**FRIDAY, APRIL 16, 2010
9:30 A.M.**

**AOC SEATAC OFFICE
SEATAC, WASHINGTON**

Board for Judicial Administration Membership

VOTING MEMBERS:

Chief Justice Barbara Madsen, Chair
Supreme Court

Judge Michael Lambo, Member Chair
District and Municipal Court Judges'
Association
Kirkland Municipal Court

Judge Marlin J. Appelwick
Court of Appeals, Division I

Judge Rebecca M. Baker
Superior Court Judges' Association
Ferry/Stevens/Pend Oreille Superior Courts

Judge Ronald Culpepper
Superior Court Judges' Association
Pierce County Superior Court

Judge Sara Derr
District and Municipal Court Judges'
Association
Spokane County District Court

Judge Susan Dubuisson
District and Municipal Court Judges'
Association
Thurston County District Court

Judge Tari Eitzen, President
Superior Court Judges' Association
Spokane County Superior Court

Judge Deborah Fleck
Superior Court Judges' Association
King County Superior Court

Judge Jack Nevin
District and Municipal Court Judges'
Association
Pierce County District Court

Justice Susan Owens
Supreme Court

Judge Glenn Phillips, President
District and Municipal Court Judges'
Association
Kent Municipal Court

Judge Christine J. Quinn-Brintnall
Court of Appeals, Division II

Judge Chris Wickham
Superior Court Judges' Association
Thurston County Superior Court

NON-VOTING MEMBERS:

Judge Stephen Brown, President-Elect
District and Municipal Court Judges'
Association
Grays Harbor County District Court

Mr. Jeff Hall
State Court Administrator

Ms. Paula Littlewood, Executive Director
Washington State Bar Association

Mr. Salvador Mungia, President
Washington State Bar Association

Judge Dennis Sweeney, Presiding Chief
Judge
Court of Appeals, Division III

Mr. Steven G. Toole, President-Elect
Washington State Bar Association

Judge Stephen Warning, President-Elect
Superior Court Judges' Association
Cowlitz County Superior Court

Board for Judicial Administration

April 16, 2010
9:30 a.m.
AOC SeaTac Office
SeaTac, Washington

Agenda

1. Call to Order	Chief Justice Barbara Madsen Judge Michael Lambo	
2. Welcome and Introductions	Chief Justice Barbara Madsen Judge Michael Lambo	
Action Items		
3. February 19, 2010 Meeting Minutes Action: Motion to approve the minutes of the February 19 meeting	Chief Justice Barbara Madsen Judge Michael Lambo	Tab 1
4. BJA Best Practices Committee Nomination Action: Motion to appoint Judge Linda Krese as an SCJA representative to the BJA Best Practices Committee	Ms. Mellani McAleenan	Tab 2
Reports and Information		
5. Court Closure/Hours of Operations	Chief Justice Barbara Madsen Judge Michael Lambo	Tab 3
6. Immigration Arrests in Courtrooms	Chief Justice Barbara Madsen	Tab 4
7. Budget Update	Mr. Jeff Hall	Tab 5
8. Legislative Update	Ms. Mellani McAleenan	Tab 6
9. Boards and Commissions Bill HB 2617	Ms. Mellani McAleenan	Tab 7
10. BJA Public Records Act Work Group Update	Judge Marlin Appelwick	
11. Access to Justice Board	Mr. M. Wayne Blair	
12. Washington State Bar Association	Mr. Salvador Mungia Ms. Paula Littlewood	
13. Reports from the Courts Supreme Court Court of Appeals Superior Courts Courts of Limited Jurisdiction	Chief Justice Barbara Madsen Judge Dennis Sweeney Judge Stephen Warning Judge Glenn Phillips	

14. Association Reports		
County Clerks	Ms. Barb Miner	
Superior Court Administrators	Ms. Marti Maxwell	
District and Municipal Court Administrators	Ms. Jeri Cusimano	
Juvenile Court Administrators	Ms. Sharon Paradis	
15. Administrative Office of the Courts	Mr. Jeff Hall	
16. Other Business	Chief Justice Barbara Madsen Judge Michael Lambo	
BJA Account Report	Ms. Mellani McAleenan	
Next meeting: May 21 Beginning at 9:30 a.m. at the AOC SeaTac Office, SeaTac		

**Board for Judicial Administration
Meeting Minutes**

**February 19, 2010
Temple of Justice
Olympia, Washington**

Members Present: Chief Justice Barbara Madsen, Co-Chair; Judge Marlin Appelwick; Judge Stephen Brown; Judge Ronald Culpepper; Judge Sara Derr; Judge Susan Dubuisson; Judge Tari Eitzen; Judge Deborah Fleck; Mr. Jeff Hall; Mr. Sal Mungia; Judge Jack Nevin; Justice Susan Owens; Judge Glenn Phillips; Judge Stephen Warning; and Judge Chris Wickham

Guests Present: Ms. Marti Maxwell, Mr. Michael Merringer, and Ms. Barb Miner

Staff Present: Ms. Ashley DeMoss, Ms. Beth Flynn, Mr. Dirk Marler, Ms. Mellani McAleenan, Mr. Ramsey Radwan, and Mr. Chris Ruhl

The meeting was called to order by Chief Justice Madsen.

January 15, 2010 Meeting Minutes

It was moved by Judge Appelwick and seconded by Judge Culpepper to approve the January 15, 2010 BJA meeting minutes as written. The motion carried.

Appointment to the BJA Public Trust and Confidence Committee

It was moved by Judge Appelwick and seconded by Judge Dubuisson that the BJA appoint Judge C. C. Bridgewater to the BJA Public Trust and Confidence Committee. Motion carried.

Appointment to the Justice in Jeopardy Implementation Committee

It was moved by Judge Phillips and seconded by Justice Owens to reappoint Judge Sara Derr and Judge Eileen Kato to the Justice in Jeopardy Implementation Committee. The motion carried.

Public Financing of Supreme Court Campaigns

This bill ended up dying because of an I-960 challenge raised by Senator Don Benton. The President of the Senate determined that the funding mechanism on the bill was a tax and not a fee.

Chief Justice Madsen does not think the BJA has seen the last of this issue and asked if the BJA wanted to discuss it today or take it up at a future BJA meeting.

She reported that she discussed this issue with her Supreme Court colleagues and no one supported the bill as written. A few justices did not think the policy of publicly funded campaigns was good policy period. If there was a policy put in place that would improve the administration of justice, they would approve that.

The justices were also concerned about the minimum number of contributions required to receive public financing. It is too difficult to get that minimum number of contributions, especially the week before filing, and they felt it would drive judges to a PAC to collect the contributions. Chief Justice Madsen believes this public financing idea may eventually reach the Courts of Appeal and the trial courts.

It was moved by Judge Wickham and seconded by Judge Appelwick to postpone discussion on this issue until a future meeting date to be determined. The motion carried.

Budget Update

Mr. Radwan reported that the February state revenue forecast indicates that revenue is down again but it is the smallest reduction since February 2008. However, that increases the need for reductions in the general fund. To augment the shortfall, the Governor has proposed a list of tax increases and some expenditure reductions.

The forecast indicates the 2011-13 biennium revenue will increase 12.2% but it is still not enough to cover anticipated expenditures. Mr. Radwan reported that legislators are stating that this current reduction is nothing compared to the expected 2011-13 biennium budget reductions.

The early savings bill started out with a \$300 million reduction that the Governor implemented last summer. The Legislature has compressed it down to \$45 million.

There have been several versions of the furlough bill, but it is now languishing in the House. It probably will not come back in bill form but will most likely be slipped into the budget bill. Something will come through in at least the House budget and if the House and Senate can reach an agreement, it will come out in both budgets. Ms. McAleenan, Mr. Hall and Mr. Radwan are watching the furlough exemption language closely.

Mr. Radwan has heard different things regarding the judicial branch budget—from no cuts to silence. Mr. Radwan will probably not see the final budget until the end of the session.

Court Closure/Hours of Operations

Chief Justice Madsen met with Judge Bruce Hilyer from King County Superior Court a few weeks ago and they discussed what it means to have a court "open." Many courts are being asked to close on certain days, reduce services, or reduce hours they are open to the public. During their conversation, Judge Hilyer asked that the BJA address what it means to have an open court.

Mr. Marler commented that Mr. Rick Neidhardt, AOC Legal Services staff, is responsible for most of the research that has been done on the court closure topic (included in the meeting packet). AOC regularly receives questions about what is/is not a judicial day and the process courts should follow on reducing hours and notifying the public. AOC is not in a position to direct activity at the court level but AOC has provided information for the courts to use and interpret as they want.

Chief Justice Madsen commented that former Chief Justice Gerry Alexander's letters that were included in the packet state that courts have to be able to do business to be considered open. That suggests strongly that open court means doing business in superior courts, but maybe there is a different definition for district or municipal courts. Judge Phillips stated that RCW 3.50.110 provides that the legislative body of the city or town will set the municipal court hours.

After discussion, the Board decided to refer the issue to the judicial associations to determine how they define an open court. This issue will be discussed during the May BJA meeting to determine if the BJA wants to take a united position on this issue.

Union Gap Municipal Court Issue

Mr. Marler updated the BJA on the status of the dispute between the city of Union Gap and the municipal court regarding the city's attempt to "bump" a court clerk as a result of a reduction in force last fall. The judge decided that the city was outside of its authority to bump the court employee and fill the position with an unqualified court clerk so the judge sought and obtained injunctive relief. The city has now conceded that the judge has the authority to hire and fire court employees, but the union is continuing to pursue its grievance in arbitration. The judge is seeking a declaratory judgment in superior court.

National Center for State Courts Educational Materials

The meeting materials contained an excerpt from a court educational series available from the National Center for State Courts along with ordering information. Mr. Hall included the materials for the BJA's information.

Legislative Update

Ms. McAleenan included a status list of bills that the BJA has taken a position on in the meeting materials.

The Interpreter Oath Requirements bill, HB 2518, passed out of the House unanimously and is scheduled for a hearing in the Senate next week.

The Municipal Court Elections bill, SB 6686, is now in House Judiciary. Ms. McAleenan requested that BJA members make contact with House Judiciary members during the break to indicate their support for the bill. The bill is scheduled to be voted on by the committee on Monday. If the bill does not get out of committee then, it most likely will not make it out.

The Toll Bill, SB 6499, passed the Senate almost unanimously without discussion. The bill removes the infraction process from the courts to the Department of Transportation (DOT) as an administrative process. The Administrative Office of the Courts (AOC) has been working with DOT to get them to understand where they made some incorrect assumptions in their cost estimates for running the administrative process. The Governor's office is trying to get the AOC and DOT estimates to come closer together. DOT and the Governor do not really want the process but they need the bill to pass and they want to maintain good relationships with the chair of the Transportation Committee.

It was moved by Judge Appelwick and seconded by Judge Culpepper that in the event that the entire toll infraction process cannot be moved into district court that the BJA endorse having the appeal in the district court and not in the superior court. After further discussion, Judge Appelwick withdrew the motion.

Mr. Hall indicated he would have AOC staff determine what it would take to have the toll infraction appeals take place at the district court level and this issue will be discussed during the BJA Legislative Executive Committee conference call on Monday. In the meantime, Ms. McAleenan was authorized to have the conversation with legislators.

Kitsap County Court Interpreter Issue

Justice Owens said the Interpreter Commission discussed at last Friday's meeting the issue of the City of Bremerton requiring people who provide services to Bremerton Municipal Court to maintain a city business license (\$65 yearly) and pay tax on their gross revenue. They are requiring court interpreters to apply for city business licenses. There is concern that some of the interpreters in languages that are not frequently used will not want to pay the tax or the business license fee and will decide not to continue court interpreting in some languages in cities where business licenses are required.

There is also concern that this will end up becoming a problem for anyone who deals with courts (expert witnesses, etc.).

It was decided to refer this issue to judicial associations for discussion and to determine how widespread this issue is and bring it up for discussion at the June BJA meeting.

Access to Justice (ATJ) Board

Mr. Blair reported that next Friday is the annual Goldmark Award Luncheon and anyone interested in attending can sign up online. It is sponsored by the Legal Foundation of Washington and this year the foundation is honoring Mr. Steve Fredrickson, Statewide Advocacy Coordinator for Northwest Justice Project, who has been working on access to justice issues for over 40 years. The foundation is also honoring the Washington State Bar Association (WSBA) Board of Governors (BOG) for its donation last year to the foundation of about \$1.5 million. The Gates Foundation also gave \$3 million to the Legal Aid for Washington (LAW) Fund.

In two weeks the ATJ Board is having its annual meeting with the Supreme Court. During the meeting the ATJ Board will share its annual report which will be available on the WSBA Web site in about a week.

Washington State Bar Association

Mr. Mungia reported that there are a lot of legislative proposals regarding bail. The BOG passed a resolution that basically reaffirms that people are presumed innocent until proven guilty and urged the Legislature to proceed cautiously. Mr. Mungia is proud of the BOG for reaffirming the core values of the justice system.

The BOG also supported the Election of Municipal Court Judges bill and has also been active regarding court funding.

The WSBA and the Supreme Court are working together to try to improve the attorney disciplinary system.

The Bylaws Committee is still working on their membership section revisions. One sticking point is how administrative law judges are classified. Mr. Mungia thinks everyone will be happy with the revised Bylaws.

Regarding the Campaign for Equal Justice, there is not a mandatory system of contributions so it has been Mr. Mungia's message that "this is who we are" in supporting equal justice. Mr. Mungia thanked the Superior Court Judges' Association (SCJA) for their support of the Campaign for Equal Justice. So far, the preliminary numbers indicate that over 50% of the SCJA judges are participating. About a third of

the WSBA members are participating. Mr. Mungia wants to see every member of the WSBA participating.

Association Reports

Superior Court Administrators: Ms. Maxwell reported that the superior court administrators are working on their spring conference which will be a joint conference with the superior court judges.

Juvenile Court Administrators: Mr. Merringer said the juvenile court administrators submitted their recommendations for implementation of their block grant to the Legislature.

Executive Session

Non-members were excused and BJA members went into executive session to discuss court funding.

The regular meeting resumed.

There being no further business, the meeting adjourned.

**Board for Judicial Administration
Nomination Form for BJA Committee Appointment**

BJA Committee: Best Practices

(i.e. Best Practices, Court Security, Justice in Jeopardy, Long-Range Planning, and Public Trust and Confidence)

Nominee Name: Judge Linda Krese, Snohomish Superior Court

Nominated By: SCJA

(i.e. SCJA, DMCJA, etc.)

Term Begin Date: Immediately

Term End Date: June 2011

Has the nominee served on this subcommittee in the past? Yes ☐ No ☐

**If yes, how many terms have been served
and dates of terms:** _____

**Additional information you would like the BJA to be aware of regarding the
nominee:**

Judge Krese is nominated to fill the currently vacant SCJA representative position.

Completed forms should be sent to:

Beth Flynn
Administrative Office of the Courts
PO Box 41174
Olympia, WA 98504-1174
beth.flynn@courts.wa.gov



- [AOC Resources](#)
- [Court Resources](#)
- [Court News](#)
- [Directories & Contacts](#)
- [Education](#)
- [Judicial Info System \(JIS\)](#)
- [Judges' Resources](#)
 - [Benchbooks](#)
 - [JABS](#)
 - [Judicial Ethics](#)
 - [Jury Instructions](#)
 - [Legislative Information](#)
 - [Outreach Materials](#)
 - [Research](#)
 - [Resources and Guides](#)
 - [Sentencing](#)
- [Legal Resources](#)
- [Organizations](#)
- [Help](#)
- [Maintenance Utilities](#)

Judges' Resources and Guides

Charitable Organizations

- Judges' Foundation & Campaign for Equal Justice forms

Court Administration

- Court Security
 - ▶ Court Security - Incident Report Form
- Courthouse Public Safety Standards
- Legal Issues for Presiding Judges in a Difficult Economy

Education

- Continuing Judicial Education (CJE) Information
- Judicial Education

Guidelines

- Guidelines for Domestic Violence Protection and Antiharassment Orders
- Guidelines for Expert Evaluations in Child Welfare Proceedings
- Poverty Guidelines for Indigent Defense Screening

Reference Materials

- Benchbooks
- Chronological Sentencing Reform Act (SRA)
- DOL-Reporting & Recording Reqs
- Eligible Misdemeanors
- Felony Offender Reporting System (FORS)
- Fetal Alcohol Syndrome Disorders (FASD)
- Forms and Instructions
- Genetics: A Summary Legal Overview for Washington State Judges
- Judge's Guide to Immigration Law in Criminal Proceedings
- Judicial Reference Guide RE: Court Interpreters
- Military Status Determination (Check the Defense Manpower Data Center for active duty status of a party.)
- Opinion Citation and Style Guide
- Servicemembers' Civil Relief Act

Trial Information

- Text of Civil Pattern Jury Instructions
- Text of Criminal Pattern Jury Instructions
- Time for Trial





[Home](#) : [Logout](#) : [Bookmark](#) : [eService Center](#)

[Advanced Search](#)

- [AOC Resources](#)
- [Court Resources](#)
- [Court News](#)
- [Directories & Contacts](#)
- [Education](#)
- [Judicial Info System \(JIS\)](#)
- [Judges' Resources](#)
 - [Benchbooks](#)
 - [JABS](#)
 - [Judicial Ethics](#)
 - [Jury Instructions](#)
 - [Legislative Information](#)
 - [Outreach Materials](#)
 - [Research](#)
 - [Resources and Guides](#)
 - [Sentencing](#)
- [Legal Resources](#)
- [Organizations](#)
- [Help](#)
- [Maintenance Utilities](#)

LEGAL ISSUES FOR PRESIDING JUDGES IN A DIFFICULT ECONOMY

Especially in the current economy, presiding judges are faced with tough choices about how to minimize costs while still satisfying constitutional and statutory responsibilities of the judicial branch.

Legal Services attorneys in AOC's Judicial Services Division have analyzed some of the common issues and summaries are provided below. ***These summaries should not be viewed as legal advice or as formal opinions in the nature of an Attorney General's Opinion.***

These links will take you to the summaries and other resources, which we hope will provide a helpful starting point for analyzing these issues.

- Letter from Chief Justice Gerry L. Alexander to a superior court regarding court closures
- Letter from Chief Justice Gerry L. Alexander to a district court regarding court closures
- List of legal authorities on court closures (supplementing Chief Justice Alexander's letters)
- List of legal authorities on judicial salaries
- Legal background on judicial health benefits

Other resources for presiding judges can be found here.

[Site Map](#) : [eService Center](#) : [Search](#)





- [AOC Resources](#)
- [Court Resources](#)
- [Court News](#)
- [Directories & Contacts](#)
- [Education](#)
- [Judicial Info System \(JIS\)](#)
- [Judges' Resources](#)

- [Benchbooks](#)
- [JABS](#)
- [Judicial Ethics](#)
- [Jury Instructions](#)
- [Legislative Information](#)
- [Outreach Materials](#)
- [Research](#)
- [Resources and Guides](#)
- [Sentencing](#)

- [Legal Resources](#)
- [Organizations](#)
- [Help](#)
- [Maintenance Utilities](#)

LIST OF LEGAL AUTHORITIES RELATED TO CLOSURE OF COURTS

(supplementing Chief Justice Alexander's letters
to individual trial courts in the fall of 2008)

With one exception (see below), courts are required to be open except for non-judicial days:

- **Washington Constitution Article IV, § 2:**

... The **[Supreme Court]** shall always be open for the transaction of business except on nonjudicial days. ...

- **RCW 2.04.030:**

The **Supreme Court** and the **court of appeals** shall always be open for the transaction of business except on Saturdays, Sundays, and legal holidays designated by the legislature.

- **Washington Constitution Article IV, § 6:**

... **[Superior courts]** shall always be open, except on nonjudicial days, and their process shall extend to all parts of the state. ... Injunctions and writs of prohibition and of habeas corpus may be issued and served on legal holidays and nonjudicial days.

- **CR 72(d):**

(d) **Superior Courts** Always Open. The superior courts are courts of record, and shall be always open, except on nonjudicial days.

- **RCW 2.08.030:**

The **superior courts** are courts of record, and shall be always open, except on nonjudicial days.

- **RCW 3.30.040:**

The **district courts** shall be open except on nonjudicial days. ... The court shall sit as often as business requires in each city of the district which provides suitable courtroom facilities, to hear causes in which such city is the plaintiff.

- **RCW 35.20.020:**

The **[Seattle] municipal court** shall be always open except on nonjudicial days. It shall hold regular and special sessions at such times as may be prescribed by the judges thereof. ...

Exception: For municipal courts (other than Seattle Municipal Court), the city may decide the days and hours of operation:

- **RCW 3.50.110:**

The **municipal court** shall be open and shall hold such regular and special sessions as may be prescribed by the legislative body of the city or town: PROVIDED, that the municipal court shall not be open on nonjudicial days.

Attorney General opinion interpreting the phrase "shall be open except on non-judicial days":

- **AGO 1963-64 No. 93** (concluding that the county's authority to determine the days and hours that county offices will be open for business under [RCW 36.16.100](#) is "subject to the clearly implied exception" that the constitution requires superior courts to be open except on non-judicial days).

Additional provisions that apply to all courts:

- **GR 21: Emergency Court Closure**

(a) Generally. A court may be closed if weather, technological failure or other hazardous or emergency conditions or events are or become such that the safety and welfare of the employees are threatened or the court is unable to operate or demands immediate action to protect the court, its employees or property. Closure may be ordered by the chief justice, the presiding chief judge, presiding judge or other judge so designated by the affected court in his or her discretion during the pendency of such conditions or events.

(b) Order and Notification. Whenever a court is closed in accordance with section (a), the chief justice, presiding chief judge, presiding judge or other judge directing the closure of the court shall enter an administrative order closing the court which shall be filed with the clerk of the affected court. It shall also be the responsibility of the chief justice, the presiding chief judge, the presiding judge or other judge so designated by the affected court to notify the Office of the Administrator for the Courts of any decision to close a court. All oral notifications to the Office of the Administrator for the Courts shall be followed as soon as practicable with a written statement outlining the condition or event necessitating such action and the length of such closure.

(c) Filings and Hearings - Time Extended. Reserved.

See **GR 3**.

- **GR 2: Holidays**

(a) In event any legal holiday falls on Saturday all the courts of the state shall be closed on the preceding day (Friday).

(b) In event any legal holiday falls on Sunday all the courts of the state shall be closed on the following day (Monday).

(c) All clerk's offices shall likewise be closed on such days.

- **GR 3: Filings and Hearings--Time Extended**

In event the last day for filing any document, having any hearing or for doing any other thing or matter in any court shall fall upon a day when such court shall be closed according to rule 2 or rule 21, then and in that event the time for such filing, hearing, or other thing or matter shall be extended until the end of the next business day upon which such court shall be open for business. Notwithstanding this rule, extensions of time for trial are governed by CrR 3.3(d)(8) and CrRLJ 3.3(d)(8).

- **RCW 1.16.050: Legal Holidays**

The following are legal holidays: Sunday; the first day of January, commonly called New Year's Day; the third Monday of January, being celebrated as the anniversary of the birth of Martin Luther King, Jr.; the third Monday of February to be known as Presidents' Day and to be celebrated as the anniversary of the births of Abraham Lincoln and George Washington; the last Monday of May, commonly known as Memorial Day; the fourth day of July, being the anniversary of the Declaration of Independence; the first Monday in September, to be known as Labor Day; the eleventh day of November, to be known as Veterans' Day; the fourth Thursday in November, to be known as Thanksgiving Day; the day immediately following Thanksgiving Day; and the twenty-fifth day of December, commonly called Christmas Day. ...

Additional provisions relating to trial courts:

- **GR 29(e) and (f): Presiding Judges in Superior Courts and Courts of Limited Jurisdiction**

(e) General Responsibilities. The Presiding Judge is responsible for leading the management and administration of the court's business, recommending policies and procedures that improve the court's effectiveness, and allocating resources in a way that maximizes the court's ability to resolve disputes fairly and expeditiously.

(f) Duties and Authority. The judicial and administrative duties set forth in this rule cannot be delegated to persons in either the legislative or executive branches of government. A Presiding Judge may delegate the performance of ministerial duties to court employees; however, it is still the Presiding Judge's responsibility to ensure they are performed in accordance with this rule. In addition to exercising general administrative supervision over the

court, except those duties assigned to clerks of the superior court pursuant to law, the Presiding Judge shall:

(1) Supervise the business of the judicial district and judicial officers in such manner as to ensure the expeditious and efficient processing of all cases and equitable distribution of the workload among judicial officers;

...

(3) Coordinate judicial officers' vacations, attendance at education programs, and similar matters;

...

(5) Supervise the daily operation of the court

...

Additional provisions specific to superior court:

• **CR 78(c):**

(c) Office Hours. The clerk's office with the clerk or a deputy in attendance shall be open during business hours on all days except Saturdays, Sundays, and legal holidays.

• **RCW 2.08.010:**

... Injunctions and writs of prohibition and of habeas corpus may be issued [by superior courts] on legal holidays and nonjudicial days.

Additional provision specific to courts of limited jurisdiction:

• **CrRLJ 1.4(d):**

(d) "Court day" means any day on which a court is open for the transaction of administrative business, including but not limited to the acceptance of papers for filing.

Case law interpreting "shall be open except on non-judicial days":

- ***State ex. rel. Walter v. Superior Court*, 49 Wash. 1, 94 P. 665 (1908)** (held: trial court erred in hearing a case on a legal holiday, but error not prejudicial because appellant did not object at trial).
- ***Skagit Ry. & Lumber Co. v. Cole*, 1 Wash. 330, 26 P. 535 (1890)** (held: because Supreme Court is to be open except on non-judicial days, there are no "terms of court")
- ***Gordon v. Hillman*, 102 Wash. 411, 173 P. 22 (1914)** (same holding as *Skagit Ry.*)
- ***State v. Claypool*, 132 Wash. 374, 232 P. 351 (1925)** (held: because superior court is to be open except on non-judicial days, there are no "terms of court")



- ☐ AOC Resources
- ☐ Court Resources
- ☐ Court News
- ☐ Directories & Contacts
- ☐ Education
- ☐ Judicial Info System (JIS)
- ☐ Judges' Resources
 - ☐ Benchbooks
 - ☐ JABS
 - ☐ Judicial Ethics
 - ☐ Jury Instructions
 - ☐ Legislative Information
 - ☐ Outreach Materials
 - ☐ Research
 - ☐ Resources and Guides
 - ☐ Sentencing
- ☐ Legal Resources
- ☐ Organizations
- ☐ Help
- ☐ Maintenance Utilities

LAWS RELATING TO SALARIES FOR TRIAL COURT JUDGES

[This summary should not be viewed as legal advice or as a formal opinion in the nature of an Attorney General's Opinion.]

SUPERIOR AND DISTRICT COURTS. Salaries for judges of the superior and district courts are fixed by the Washington Citizens' Commission on Salaries for Elected Officials:

- Wash. State Const. Art. 28, § 1: "**Salaries** for members of the legislature, elected officials of the executive branch of state government, and judges of the state's supreme court, court of appeals, **superior courts, and district courts shall be fixed by an independent commission** created and directed by law to that purpose."
- RCW 43.03.310(1): "**The citizens' commission on salaries for elected officials** shall study the relationship of salaries to the duties of members of the legislature, all elected officials of the executive branch of state government, and all judges of the supreme court, court of appeals, **superior courts, and district courts, and shall fix the salary for each respective position.**"
- RCW 2.08.092: "The annual salary of the judges of the superior court shall be established by the Washington citizens' commission on salaries for elected officials."
- RCW 3.58.010: "The annual salary of each full time district court judge shall be established by the Washington citizen's commission on salaries for elected officials."

The Citizens' Commission on Salaries for Elected Officials has already set the salaries for the superior court and district court judges for 2009-2010. See RCW 43.03.012, setting the salary for superior court judges at \$148,832, and setting the salary for district court judges at \$141,710. See also, <http://www.salaries.wa.gov/>.

MUNICIPAL COURTS. Salaries for municipal court judges are set by local ordinance. See RCW 3.50.080; RCW 35.20.160. For cities with a population of over 400,000, the judicial salary can be no lower than \$9,000 per year and can be no higher than the salary received by that county's superior court judges. RCW 35.20.160.

INCREASING OR DECREASING JUDICIAL SALARIES. Salaries of superior court, district court, and municipal court judges may be increased during the term of office. See Wash. State Const. Art. 30 § 1:

"**The compensation** of all elective and appointive state, county, and municipal officers who do not fix their own compensation, **including judges of courts of record and the justice courts may be increased during their terms of office** to the end that such officers and judges shall each severally receive compensation for their services in accordance with the law in effect at the time the services are being rendered. The provisions of section 25 of Article II (Amendment 35), section 25 of Article III (Amendment 31), section 13 of Article IV, section 8 of Article XI, and section 1 of Article XXVIII (Amendment 20) insofar as they are inconsistent herewith are hereby repealed."

These salaries, however, may not be decreased during a term of office. See Wash. State Const. Art. XI, § 8:

"**The salary of any county, city, town, or municipal officers shall not be increased except as provided in section 1 of Article XXX or diminished after his election, or during his term of office**; nor shall the term of any such officer be extended beyond the period for which he is elected or appointed."



- [AOC Resources](#)
- [Court Resources](#)
- [Court News](#)
- [Directories & Contacts](#)
- [Education](#)
- [Judicial Info System \(JIS\)](#)
- [Judges' Resources](#)

- [Benchbooks](#)
- [JABS](#)
- [Judicial Ethics](#)
- [Jury Instructions](#)
- [Legislative Information](#)
- [Outreach Materials](#)
- [Research](#)
- [Resources and Guides](#)
- [Sentencing](#)

- [Legal Resources](#)
- [Organizations](#)
- [Help](#)
- [Maintenance Utilities](#)

[NOTE: This summary should not be viewed as legal advice or as a formal opinion in the nature of an Attorney General's Opinion.]

LAWS RELATING TO WHETHER THE COUNTY MAY REDUCE THE LEVEL OF HEALTH BENEFITS FOR DISTRICT COURT JUDGES

Counties are authorized to pay health benefits to county employees, including elected officials. [RCW 41.04.180](#).

The payment of benefits to district judges is largely discretionary with the county:

- **For benefits, unlike salary, there is no state-wide entity that sets a required level of compensation** that a county must provide for the district court judges.
 - The Salary Commission does not set the benefits for district court and superior court judges, only the salary. See, e.g., State Const. Art. 28, [Section 1](#) (creating the Salary Commission); [RCW 43.03.012](#) (setting the salary levels for 2006-09).
 - Generally speaking, the definition of "salary" usually does not include health benefits. See discussion in [AGO 1988 No. 29](#).
 - More recently, Thurston County Superior Court Judge Doran ruled in a 2002 case that the word "salary" does not include benefits, for purposes of State Const. Art. [IV, § 13](#). The constitutional provision requires the State to pay one-half of the "salary" of a superior court judge, and Judge Doran ruled that this did not extend to benefits. ***Thurston County v. State of Washington***, Thurston County Superior Court Case No. 01-2-01723-1, issued July 31, 2002.
 - Also, both the Legislature and the Salary Commission have interpreted the Commission's constitutional authority as being limited to salary, and not to benefits. See discussion in [AGO 1996 No. 2](#) at footnote 4. ([AGO 1996 No. 2](#) reserved judgment on this specific issue, noting more generally that "salary" includes those fringe benefits that are "measurable as direct and immediate economic gain", but declining to specify whether certain benefits fit into this category).
 - Because there is no state requirement as a particular level of benefits, the various counties provide different levels of benefits to their district court judges.
- Judges do not have a fundamental right to continued health care benefits. [AGO 1988 No. 29](#). The right is statutory, not constitutional. [AGO 1988 No. 29](#).
- Counties can provide different levels of health benefits to different classes of employees, as long as the scheme does not violate equal protection:

"There simply is no express requirement in [[RCW 41.04.180](#)] that all employees of a given department of state government or of a given political subdivision be afforded hospitalization and medical aid coverage merely because the employer has determined, as a matter of policy, to establish or make available this coverage for specific categories of its employees. Of course, any classification as to employees covered and employees not covered must be rational. It cannot be arbitrary, capricious, or invidiously discriminatory." [AGO 1988 No. 29](#) (quoting [AGO 65-66 No. 1](#)).

Potential limitation on counties reducing benefits for judges—Wash. Const. Art. 28, § 1 (the constitutional provision creating the Salary Commission for setting judicial salaries):

- Article [28, Section 1](#), of the state constitution provides that judicial salaries are to be set by the Washington Citizen's Commission on Salaries for Elected Officials. The Salary Commission sets salaries for judges, but does not set benefits. It can be argued, however, that under some circumstances, a county's decision to reduce benefits for district court judges would be improper as a "back door" way to improperly cut salaries.
- The strongest argument that the county's action would violate Article [28, § 1](#) would be if the

county were to exactly match the cut in judges' benefits with the size of the cut in the other employees' salaries. In other words, if the county decided to cut judges' benefits by 15%, for example, and decided to cut all other employees' salary by 15% without cutting their benefits at all, then there might be pretty good evidence that the county was impermissibly acting, even if indirectly, to cut the judges' *salary* by 15%. By matching the two cuts, the county would be clearly signaling that the motivation for the cut in judges' benefits was because their salary could not be reduced. Under those circumstances, perhaps a reviewing court would find that the county had indirectly violated the salary commission provision. The county should not be allowed to do indirectly what it cannot do directly. ***Pierce County v. State*, 159 Wn.2d 16, 148 P.3d 1002 (2006)** ("The law should not be construed to do indirectly what it cannot do directly."). The more that these two percentages matched identically, the stronger would be this argument. Even here, however, a reviewing court might still find that the county left the salary level intact, and merely reduced the benefit level, for which the county has discretion to do, as long as equal protection violations do not occur (see AGO 1988 No. 29).

- If, on the other hand, the county were to reduce everybody's benefits, *including* the judges', by a similar amount or percentage, then there would be little argument that the county decision was an improper cut in the judges' salary. Rather, it would be a valid exercise of the county's discretion as to payment of benefits, and no tie could plausibly be made to being a back-door cut in the judge's salary.

Potential limitation on counties reducing benefits for judges—Equal protection:

- If a county were to reduce benefits for judges, but not for other classes of employees, would the action violate equal protection principles?
- Under equal protection analysis, judges are not a "suspect class" and they do not have a fundamental right to receipt of benefits; thus, a reduction in judicial benefits would be analyzed using the "**rational relationship**" test. See AGO 1988 No. 29. The AG's analysis in AGO 1988 No. 29 found no violation of equal protection when King County stopped paying benefits to its superior court judges, but the circumstances of that case were that the superior court judges were already receiving benefits from the state, and the AG's opinion relied heavily on this duplication of benefits in concluding that there was a rational basis for King County's plan. See AGO 1988 No. 29 (Section D of the opinion, entitled "Equal Protection").
- **It is not clear whether the result in AGO 1988 No. 29 would be the same if the county's motivation for saving money was to undercut the Salary Commission's fixing of the district court judge's salary.**
- The "rational relationship" test has three questions.
 - (1) Does the classification apply equally to all class members? (Clearly, yes. The county would be treating all district court judges the same.)
 - (2) Is there a rational basis for distinguishing class members from non-members?
 - (3) Does the classification bear a rational relationship to the legislative purpose?

Sometimes, courts refer only to questions 2 and 3, because question 1 is usually met.

This test is quite deferential to the governmental action:

"The rational basis test requires only that the means employed by the statute be rationally related to a legitimate State goal, and not that the means be the best way of achieving that goal. [T]he Legislature has broad discretion to determine what the public interest demands and what measures are necessary to secure and protect that interest. ... To satisfy this test, the challenged law must rest upon a legitimate state objective, and the law must be rationally related to, and not wholly irrelevant to, achieving that objective. ... A statute is presumed to be constitutional, and the party challenging it bears the burden to prove beyond a reasonable doubt that it is unconstitutional." ***State v. Bryan*, 145 Wn.App. 353, 185 P.3d 1230 (2008)**.

Further, a party raising an equal protection challenge under this test has a "heavy burden of proof" that the classification excluding the party was "manifestly arbitrary, unreasonable, inequitable and unjust." ***Automobile Drivers & Demonstrators Union Local No. 882 v. Department of Retirement Systems*, 92 Wash.2d 415, 598 P.2d 379 (1979)**. "The Legislature has broad discretion in creating classifications in social and economic legislation; a classification will be upheld if any state of facts may reasonably be conceived to substantiate it." Id.

There is a lot of wiggle-room under this test. If the legislative purpose is determined to be saving the county money, then this is clearly a legitimate purpose. The question would then be whether it is rational to single out judges as the only group that is subject to the reduction of benefits, or whether instead this classification is arbitrary, unreasonable, inequitable, and unjust. To some degree, this depends on how much deference the reviewing court would give to the county here. As indicated above, the law requires giving some deference to the county's decision, but reviewing courts vary greatly in how this actually gets applied to a particular case.

Given that a reviewing court must give deference to the county under this test, the court might conclude that it is reasonable to require everybody to share the financial load, whether that sharing is done through a cut in salary (for other employees) or through a cut in benefits (for judges). Sometimes courts will uphold under the rational relationship test a classification scheme under which one group of employees receives a smaller benefit because they have other benefits available from outside sources to compensate for this. For example, in AGO 1988 No. 29, the Attorney General's Office concluded that King County could decline to extend health and life insurance benefits to superior court judges, given that these judges already receive these benefits from the state, whether or not the state benefits are as comprehensive as those offered by the county to other employees. (If there were a significant difference in the extent of the county and state benefits, perhaps the AG would have reached a different decision?) Cases from other jurisdictions have addressed the general issue about justifying smaller benefits to a class of employees based on those employees' access to other benefits, and the cases there seem to be split. See, e.g., *In re Pensions of 19th Dist. Judges*, 540 N.W.2d 784 (Mich.App.1995) (city retirement system did not violate district court judge's equal protection rights by excluding her from participation in city employees retirement system due to her participation in state judges' retirement system); but see, e.g., *Gardner v. Itasca County*, 157 N.W.2d 753 (Minn.1968) (statute providing that probate judge retirement pension shall be reduced by full amount of any retirement pension from the Public Employees Retirement Association denied probate judge the equal protection of the laws and such statute was invalid).

If, on the other hand, the reviewing court granted less deference to the county, the court could conclude that the county acted arbitrarily and inequitably in singling out judges for the cut in benefits, when other employees were not similarly treated. The court could conclude that judges are not the only ones who have high salaries and have access to other sources for benefits, so they are not the only ones who might be able to better handle a cut in benefits – other elected officials would likely be similarly situated to judges on this score. The court could conclude that the true legislative purpose of the classification was not just a general intent to save the county money, but also an intent to circumvent the salary requirements of Article 28, § 1. The court could also conclude that the county was precluded from considering that other employees had received a pay cut when the judges had not, as any such consideration could be construed as a de facto cut in the judges' salary. In other words, once the district court judges' salary is taken out of the county's consideration by Art. 28, § 1, the county cannot use the protected nature of the judges' salary as an excuse for cutting benefits instead.

A separate issue exists as to whether the county can reduce the level of benefits during a judge's term.

- **"Compensation" of a public officer, including a judge, cannot be decreased during the officer's term of office.** State Const. Art. 2, § 25; AGO 1994 No. 8.
 - (FYI: The constitutional analysis is different for whether such compensation can be *increased* at mid-term. A separate constitutional provision was adopted in 1972 providing that compensation of elected officers, including judges, may be *increased* during their terms of office. State Const. Art 30, § 1. The adoption of Article 30, § 1, left intact the prohibition in Article II, § 25 against *decreasing* a judge's compensation mid-term. AGO 1994 No. 8.)
- **The surprisingly complicated question is whether benefits constitute "compensation," and thus cannot be reduced during a judge's term of office.**
 - On the one hand, "compensation" is ordinarily given a broader meaning than just salary, under a definition that would appear to include health benefits:

"The ordinary meaning of 'compensation' is remuneration in whatever form it may be given, whether it be salaries, wages, or benefits. See *State ex rel. Funke v. Board of Comm'rs*, 48 Wash. 461, 465-66, 93 P. 920 (1908) ('The term 'compensation' as used in [article 2, section 25] seems to be broad enough to include any remuneration from the public treasury for a public officer, whether by way of what is called 'salary' or

otherwise.”)

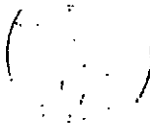
- On the other hand, the Legislature has expressly declared that health benefits do *not* constitute “compensation.” See [RCW 41.04.190](#); [AGO 1988 No. 29](#). The reason why the Legislature did this was to allow for mid-term increases to elected officials’ health benefits. See [AGO 1988 No. 27](#).
- The AG’s Office has a policy of not addressing the constitutionality of statutes, and it has twice declined to rule on the constitutionality of the Legislature’s 1983 amendment to RCW 41.04.190 that declared health benefits to not constitute “compensation.” See [AGO 1988 No. 27](#); [AGO 1988 No. 29](#). (The opinions, however, certainly give the impression that the AG would find the 1983 amendment unconstitutional, but for the policy of not reaching these issues. For example, each opinion cites to an AG opinion casting doubt on the constitutionality of a similar issue.) The language in question from [RCW 41.04.190](#) has been in place since 1983, but no appellate case has ruled on its constitutionality.

[Site Map](#) : [eService Center](#) : [Search](#)



The Supreme Court
State of Washington

GERRY L. ALEXANDER
CHIEF JUSTICE
TEMPLE OF JUSTICE
POST OFFICE BOX 40929
OLYMPIA, WASHINGTON
98504-0929



(360) 357-2029
FAX (360) 357-2085
E-MAIL J.G.ALEXANDER@COURTS.WA.GOV

November 3, 2008

Honorable

Dear Judge

At a time of budgetary constraint, the judiciary should be willing to economize in any way practical. However, the closure of the district courts, even for short periods of time, raises significant constitutional and statutory concerns.

With that in mind, I will respond to your question about whether a district court can accede to a request by a county government to close the court for a period of time, which would include judicial days. My answer to that question is no. I point out in support of this position that the root of the district court's authority is article IV, section 1 of the state constitution, which vests the state's judicial power in a supreme court, superior courts, and such courts "as the legislature may provide." The district court is a court that the legislature has created. As such, it is a part of the judicial branch of government and is not a county department. In creating courts, the legislature has indicated that these courts "shall be open except on nonjudicial days." That, in my view, means that all departments of a district court shall be open.

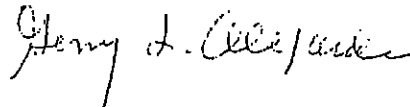
This court has adopted a court rule, GR 21, which allows courts of all levels to be closed if "weather, technological failure or other hazardous or emergency conditions or events" threaten the safety and welfare of employees. This rule would not, in my judgment, apply to the situation that has developed in your county as you have described it to me.

In sum, courts in Washington derive their authority from the state constitution. The legislature has dictated that a court it created, pursuant to authority committed unto it by the constitution, may be closed only on nonjudicial days (weekends and recognized

Honorable
November 3, 2008
Page 2

holidays). We have taken an oath to uphold that constitution and, by inference, laws adopted pursuant to it. This duty cannot be forsworn.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gerry L. Alexander".

Gerry L. Alexander
Chief Justice

cc: Washington Supreme Court Justices
✓ Mr. Jeff Hall, State Court Administrator

The Supreme Court
State of Washington

GERRY L. ALEXANDER
CHIEF JUSTICE
TEMPLE OF JUSTICE
POST OFFICE BOX 40929
OLYMPIA, WASHINGTON
98504-0929

13601 357-2029
FAX 13601 357-2085
E-MAIL J.G.ALEXANDER@COURTS.WA.GOV

October 29, 2008

Honorable

Dear Judge

At a time of budgetary constraint, the judiciary should and is willing to economize in any way practical. However, the closure of courts, even for short periods of time, raises significant constitutional and statutory concerns.

With that in mind, I will respond to your question about whether a superior court can accede to a request by a county government to close the court for a period of time, which would include judicial days. My answer to that question is no. I point out in support of this position that the superior court is a state court. It is not a county department. This court derives its authority from article IV of the Washington Constitution. Section 6 of that article provides that the superior court "shall always be open, except on nonjudicial days." One year after the constitution was adopted, the legislature passed a statute, now codified as RCW 2.08.030, which contains language identical to that in the aforementioned provision in the constitution.

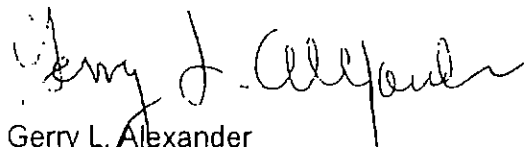
This court has adopted a court rule, GR 21, which allows courts of all levels to be closed if "weather, technological failure or other hazardous or emergency conditions or events" threaten the safety and welfare of employees. This rule would not, in my judgment, apply to the situation that has developed in your county as you have described it to me.

In sum, courts in Washington derive their authority from the state constitution, which has dictated that they may be closed only on nonjudicial days (weekends and

Honorable
October 29, 2008
Page 2

recognized holidays). We have taken an oath to uphold that constitution and the duty to do so cannot be forsworn.

Sincerely,

A handwritten signature in black ink, appearing to read "Gerry L. Alexander". The signature is fluid and cursive, with the first name "Gerry" being more prominent.

Gerry L. Alexander
Chief Justice

cc: Washington Supreme Court Justices
✓ Mr. Jeff Hall, State Court Administrator

IN THE DISTRICT COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF STEVENS

In the Matter of)
DISTRICT COURT OFFICE HOURS) GENERAL ORDER
_____)


THE COURT FINDS that, due to budgetary constraints, the District Court current office hours open to the public may be decreased while still allowing for the business of the court to be addressed, albeit at reduced hours. Being fully advised, it is hereby

ORDERED that the District Court office hours, for conducting the business of the court with the public, commencing January 1, 2010, shall be as follows:

Monday, Tuesday and Wednesday-- 8:30 to 3:30 (closed noon to 1:00)
Thursday and Friday -- 9:00 to 3:30 (closed noon to 1:00)
(Closed Saturdays, Sundays and Federal holidays)

The District Court's office (currently in Room 213 of the Stevens County Courthouse) shall be closed for business with the public during all other hours except as above.

ENTERED this 4th day of February, 2010.


Gina A. Tveit, Judge



LAKEWOOD MUNICIPAL COURT

6000 MAIN ST S.W. • LAKEWOOD, WA 98499-5027 • (253) 512-2258 • FAX: (253) 512-2267

February 16, 2010

ERNEST A. HELLER
MUNICIPAL COURT
JUDGE

Jeff Hall, State Court Administrator
Temple of Justice
PO Box 41174
Olympia, WA 98504-1174

KATHLEEN A.
WESTERDAHL
COURT SERVICES
DIRECTOR

Re: Administrative Order per GR 21

Dear Mr. Hall:

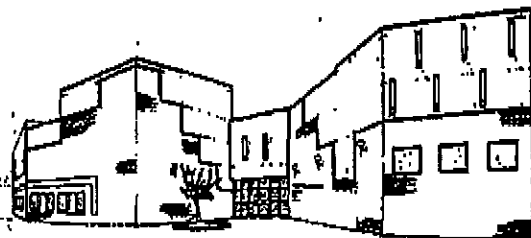
Per General Rule 21, an Administrative Order is hereby issued noting the Lakewood Municipal Court will close as follows:

12/08/09 Early closure at 12 pm

So ordered this 1st day of December, 2009

WES MORRISETTE
WORK CREW
SUPERVISOR

Ernest Heller
Presiding Judge
Lakewood Municipal Court

**SKAGIT COUNTY DISTRICT COURT****Larry E. Moller Building**

600 South Third Street

P.O. Box 340

Mount Vernon, Washington 98273-0340

(360) 336-9319 Fax (360) 336-9318

DATE:

12-21-09

TO (PERSON/DEPT.):

Jeff HallCOMPANY/
ORGANIZATION

NUMBER OF PAGES

2

(INCLUDING THIS PAGE)

FROM

Skagit County District Court

SPECIAL INSTRUCTIONS:

IF PAGES ARE MISSING - PLEASE ADVISE

1 SKAGIT COUNTY DISTRICT COURT

2 IN AND FOR THE STATE OF WASHINGTON

3
4 IN RE THE CLOSURE OF SKAGIT COUNTY)

5 DISTRICT COURT ITS DEPARTMENTS ON)

6 DECEMBER 24, 2009)

ORDER CLOSING COURT ON

December 24, 2009 in the

afternoon

7
8 THIS COURT finds that it is in the best interests of the Skagit County
9 District Court and its Departments to close to the public at 11:00 am on
10 December 24, 2009.

11 ACCORDINGLY, IT IS HEREBY ORDERED, pursuant to the general powers of
12 the Presiding Judge embodied in GR 29 that Skagit County District Court, and
13 its Departments shall be closed to allow staff to travel home safely and to
14 prepare for the Christmas Holiday. Regular hours of service will resume on
15 the morning of December 28, 2008.

16
17 DATED this 21st day of December, 2009.

18
19
20 
21 PRESIDING JUDGE
22
23
24
25


From the YakimaHerald.com Online News.

Down and out in Yakima County

... and in other county courthouses across the state, where revenues can no longer support the services currently offered

By DAVID LESTER

Yakima Herald-Republic

Buy YHR Photos 2 photos  [View the gallery](#)



SARA GETTYS/Yakima Herald-Republic

People wait to renew their car tabs and take care of other business at the licensing division of the Yakima County Auditor's Office at the Yakima County Courthouse on Tuesday, January 5, 2010.

Links

 [E-mail](#)

 [Print](#)

 [Comments](#)



Subscribe Today
Get 2 Weeks Free!



Advertisement

More 'Local'

1. [Ahtanum View moves with the times](#)
2. [Man who claimed he was shot injured by gun in pants](#)
3. [Photos: Where in the world are the Harlem Globetrotters?](#)
4. [Kittitas, Yakima at opposite ends of health rankings](#)
5. [Cantwell aims to energize green jobs creation](#)
6. [Yakima People: Local students spend week at Legislature](#)
7. [Grandview council will discuss hiring decision at retreat](#)

More Stories: [Today's News](#) | [This Week](#)

YAKIMA, Wash. -- The threadbare fabric that is finance for county governments across Washington state now is showing some big holes.

Counties are cutting jobs, limiting hours or closing administrative offices, asking for unpaid days off and other concessions to balance their budgets.

There's less for parks and other quality-of-life services. Yakima County is so strapped for money this year, it's trying to turn over its last county park -- Eschbach Park, west of Yakima, to someone else to operate.

Some moves have been more drastic.

Kitsap County, west of Seattle, responded to funding problems by closing its administrative offices on Fridays. Employee furloughs are taking place in King, Spokane, Snohomish counties and elsewhere. Still other counties are limiting hours their offices are open to the public.

The pain is being felt in the trenches. King County Superior Court, for example, was able to work around employee furloughs last year without causing long lines at the counter for attorneys and residents.

"We are really down to bare bones at this point," said Paul Sherfey, chief administrative officer for King County Superior Court in Seattle. "There has to be some longer-term solution. We are waiting to see. It is a tough economic time."

Any meaningful answer isn't likely to come from Olympia this year as the state struggles with its own money problems.

State Sen. Curtis King, R-Yakima, said he is sympathetic to the plight of counties, as are other lawmakers. But sympathy may be as far as it goes.

"We are looking at trying to find every piece of revenue we can from a state standpoint," King said. "It is a matter of keeping funding we have now going to the counties."

But the bleak outlook won't stop counties from trying. During the 2010 legislative session, the Washington State Association of Counties plans to ask lawmakers to grant counties new taxing authority, such as adding utility taxes in unincorporated areas. Currently, only cities can collect taxes on power, telephones and cable TV.

Counties will also ask the state to stop issuing mandates without also providing the funds to pay for government services.

For now, counties are staggering under the weight of voter-approved caps on property tax revenues and the lingering effects of Initiative 695 -- a 1999 initiative that slashed the car-tab tax and ultimately resulted in counties losing state funding. The national recession has worsened the problem as local governments see less sales tax revenue and interest earnings.

"As those finite resources don't go as far as they once did, counties are finding ways the system can continue to function and are having to look at changes," said Eric Johnson, executive director of the Washington State Association of Counties. Reducing hours of service is "an area in which all counties are looking."

Yakima County is among them.

Commissioners proposed late last year to close the Yakima County Courthouse on Fridays, effectively reducing employee pay by 10 percent.

But things are never as easy as they appear. A state constitutional prohibition against Superior Courts being closed on days other than weekends and holidays means commissioners can't padlock the courthouse one day a week.

Other counties have tried closing the courts as a money-saving move, and all have run into the same issue. Some counties have more flexibility because in Kitsap County and King County, for example, court facilities are in a separate building. County commissioners have the authority to set hours for administrative departments.

Dirk Marler, a former Yakima County District Court judge and now director of the Judicial Services Division for the state Administrative Office of the Courts, said the constitutional mandate is designed to keep courts accessible to the public.

Victims of domestic violence, he said, need access to the courts.

"That is why courts exist, to provide services to the public. A part of that is being able to provide justice and protection when it is needed, and that is not easily scheduled," Marler said.

Yakima County officials are now looking at alternatives: Closing county offices and the courts early on Fridays and asking all county employees to go from a 40-hour week to a 37.5-hour week.

With salary increases this year accounting for \$1 million, county commissioners say employee pay is where some relief is needed.

"Underlying all of this is we believe we have to gain better control of our labor increases," said commission Chairman Mike Leita. "Until we do, we only have one of two options. Either we continue to reduce the workforce or reduce the number of hours they work."

Trying to free themselves from a public controversy over 2.5 percent wage hikes to elected officials for 2010, Leita and fellow Commissioner Rand Elliott on Wednesday turned over personal checks to Treasurer Ilene Thomson for the amount of their raise.

They are asking employees to voluntarily return a portion of their raises this year to reduce a \$1.1 million budget shortfall.

Response from unions has been lukewarm.

Kitsap County, which has done what Yakima County initially proposed to do -- close the courthouse on Fridays -- was successful in reaching agreements with county unions on establishing a four-day, 36-hour work week in May 2009.

Nancy Buonanno-Grennan, Kitsap County administrator, said the county has been able to build a collaborative relationship with county employee unions.

Contractual language that allows Kitsap County to issue layoff notices to all employees and then bargain the impacts of those notices certainly helped move things along. But the basic problem was a lack of money to operate as usual. Both sides were motivated to reach an agreement to avoid layoffs.

"Having no money was the driver," Buonanno-Grennan said.

The hours reductions and savings on utilities allowed Kitsap County to save \$3 million in 2009.

The Friday closures are continuing this year.

Buonanno-Grennan said the county initially received heat from the real estate industry because the Auditor's Office wasn't open on Fridays for recording of documents.

The county did more public outreach so the community could adjust to the closures. Internet programs were strengthened to allow people to access services and information through the county's Web site, such as applying for permits.

"We thought there would be more headaches than there were," the Kitsap County administrator said. "We did a big push on the Internet for people to do more county business online."

But closures and streamlining can only go so far. Buonanno-Grennan and Johnson, director of the

Washington State Association of Counties, said counties still have obligations under state law to provide certain services, some within cities.

Counties, for example, are required to provide defense attorneys for criminal defendants who lack money to hire an attorney. In 2008, Washington state paid just \$5 million, leaving the counties to cover the remaining \$119 million.

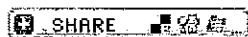
"We run the state court system on behalf of Washington state, but the state pays pennies on the dollar," Johnson said.

Counties are spending more money for courts, prosecutors, public defenders and the sheriff's offices. The overall category of public safety now consumes 75 percent to 80 percent of total county revenues.

Counties also are required to implement the state's Growth Management Act and update shorelines protection programs with little or no state help.

"A lot of what we do is regional services as an arm of the state. We were here before Washington was a state," Buonanno-Grennan said, referring to Kitsap County's formation in 1857 when Washington was still a territory. "Our funding mechanisms haven't kept pace with the demands of the population."

** David Lester can be reached at 509-577-7674 or dlester@yakimaherald.com.*



Court Closures 2009-2010

Court Name	Dates Closed	Reason
District, Benton County	12/31/2009	closing at 3:15, weather
District, Franklin County	12/24/2009	closing at noon, union holiday
District, Grant County	6/4/2009	8-12pm, staff training
District, Grant County	3/30/2009	8-12:30, staff training
District, Grays Harbor	1/8/2009	flooding
District, King County	2/26/2009	open at 10:00 due to weather
District, King County/Aukeen/Kent	12-11-09 through 12-14-09	Moving due to valley flooding
		2:30-4:30 to facilitate the consolidation of all criminal courts to the Port Orchard facility.
District, Kitsap County	5/27/2009	weather
District, Lewis County	1/7/2009	weather
District, Lower Kittitas County	12/24/2009	closed at noon, union contract
District, Mason County	2/10/2009	closing at 3:00 due to weather
District, Okanogan	3/1/2010	closing at 4:30 to public
District, Pacific County South	3-26 through 3-30-09	moving to new facility
District, Pend Oreille County	1/15/2010	furlough
District, Pend Oreille County	2/12/2010	furlough
District, Pend Oreille County	4/5/2010	furlough
District, Pend Oreille County	5/28/2010	furlough
District, Pend Oreille County	7/2/2010	furlough
District, Pend Oreille County	9/3/2010	furlough
District, Pend Oreille County	10/11/2010	furlough
District, Pend Oreille County	11/12/2010	furlough
District, Skagit County	12/24/2009	closing at 11:00, safe travel
District, Stevens County	1/1/2010	M,T,W, 8:30-3:30, closed 12-1:00; Th-F, 9-3:30, closed 12-1:00
District, West Klickitat	12/31/2009	closing at noon, weather
District, Whitman County	1/5/2009	weather
Municipal, Aberdeen	4/17/2009	12-5:00, staff training
Municipal, Aberdeen	4/10/2009	furlough
Municipal, Aberdeen	5/15/2009	furlough
Municipal, Aberdeen	6/12/2009	furlough
Municipal, Aberdeen	7/10/2009	furlough
Municipal, Aberdeen	8/14/2009	furlough
Municipal, Aberdeen	9/11/2009	furlough
Municipal, Aberdeen	10/16/2009	furlough
Municipal, Aberdeen	11/20/2009	furlough
Municipal, Aberdeen	12/24/2009	furlough
Municipal, Airway Heights	12/24/2009	closed for holiday
Municipal, Auburn	Wednesdays, 6-29-09 through the end of August	to complete a project
Municipal, Bainbridge Island	1/2/2009	furlough
Municipal, Bainbridge Island	2/13/2009	furlough
Municipal, Bainbridge Island	4/10/2009	furlough
Municipal, Bainbridge Island	5/22/2009	furlough
Municipal, Bainbridge Island	6/19/2009	furlough
Municipal, Bainbridge Island	9/4/2009	furlough
Municipal, Bainbridge Island	10/12/2009	furlough
Municipal, Bainbridge Island	12/24/2009	furlough
Municipal, Bainbridge Island	12/31/2009	furlough
Municipal, Black Diamond	8/17/2009	move of court offices
Municipal, Bonney Lake	1/8/2009	weather

Court Closures 2009-2010

Municipal, Bremerton	12/24/2009	closed at noon, all city offices closed
Municipal, Bremerton	12/31/2009	closed at noon, all city offices closed
Municipal, Bremerton	1/22/2010	10-5:00 staff summit
Municipal, Chehalis	3/10/2009	2-5:00, staff training
Municipal, Des Moines	12/24/2009	closed at noon, all city offices closed
Municipal, Des Moines	12/31/2009	closed at noon, all city offices closed
Municipal, Des Moines	11/25/2009	budget
Municipal, Edmonds	5/22/2009	furlough / monthly closings
Municipal, Edmonds	6/26/2009	furlough / monthly closings
Municipal, Edmonds	7/6/2009	furlough / monthly closings
Municipal, Edmonds	8/21/2009	furlough / monthly closings
Municipal, Edmonds	9/25/2009	furlough / monthly closings
Municipal, Edmonds	10/19/2009	furlough / monthly closings
Municipal, Edmonds	11/25/2009	furlough / monthly closings
Municipal, Edmonds	12/23/2009	furlough / monthly closings
Municipal, Edmonds	4/27/2009	furlough / monthly closings
Municipal, Edmonds	12/24/2009	city holiday
Municipal, Everett	9/3/2009	all day staff retreat
Municipal, Ferndale	1/9/2009	weather
Municipal, Fife	12/24/2009	holiday - labor contract
Municipal, Issaquah	12/31/2009	inability to maintain staffing levels
Municipal, Issaquah	12/24/2009	inability to maintain staffing levels
Municipal, Kirkland	12/24/2009	closed at noon, all city offices closed
Municipal, Kirkland	12/31/2009	closed at noon, all city offices closed
Municipal, Lake Forest Park	12/24/2009	closed at noon due to staffing
Municipal, Lake Forest Park	12/31/2009	closed at noon due to staffing
Municipal, Lakewood	12/24/2009	closing at 2:00
Municipal, Lakewood	12/31/2009	closing at 3:00 due to weather
Municipal, Lakewood	12/8/2009	closed at noon to attend memorial
Municipal, Mercer Island	1/8/2009	closed early/ weather
Municipal, Napavine		closed temporarily 7/8/09 until new judge and staff sworn in
Municipal, Normandy Park	12/24/2009	closed at noon, all city offices closed
Municipal, Normandy Park	12/31/2009	closed at noon, all city offices closed
Municipal, Normandy Park	11/25/2009	budget
Municipal, Ocean Shores	3/1/2010	furlough
Municipal, Ocean Shores	4/5/2010	furlough
Municipal, Ocean Shores	5/3/2010	furlough
Municipal, Ocean Shores	5/17/2010	furlough
Municipal, Ocean Shores	9/30/2010	furlough
Municipal, Ocean Shores	10/4/2010	furlough
Municipal, Ocean Shores	10/18/2010	furlough
Municipal, Pacific	12/24/2009	
Municipal, Pacific	8/31/2009	furlough

Court Closures 2009-2010

Municipal, Pacific	9/14/2009	furlough
Municipal, Pacific	10/5/2009	furlough
Municipal, Pacific	11/2/2009	furlough
Municipal, Pacific	12/7/2009	furlough
Municipal, Pacific	2/1/2010	furlough
Municipal, Port Orchard	12/24/2009	all city offices closed
Municipal, Port Orchard	12/31/2009	all city offices closed
Municipal, Poulsbo	5-29-09 through 6-1-09	moving to new location
Municipal, Poulsbo	12/24/2009	closed at noon, all city offices closed
Municipal, Poulsbo	12/31/2009	closed at noon, all city offices closed
Municipal, Renton	5/22/2009	city-wide furlough
Municipal, Renton	9/4/2009	city-wide furlough
Municipal, Renton	10/12/2009	city-wide furlough
Municipal, Renton	11/25/2009	city-wide furlough
Municipal, Renton	5/22/2009	furlough
Municipal, Renton	9/4/2009	furlough
Municipal, Renton	10/12/2009	furlough
Municipal, Renton	11/25/2009	furlough
Municipal, Roy	8-26-09 through 9-7-09	Court Clerk is sole employee and will be on vacation.
Municipal, SeaTac	1/16/2009	2:30-5:00, staff training
Municipal, SeaTac	2/12/2010	furlough
Municipal, SeaTac	5/28/2010	furlough
Municipal, SeaTac	11/12/2010	furlough
Municipal, SeaTac	2/12/2010	furlough
Municipal, SeaTac	5/28/2010	furlough
Municipal, SeaTac	11/12/2010	furlough
Municipal, Sumner	7/6/2009	Four scheduled Furlough days
Municipal, Sumner	9/4/2009	Four scheduled Furlough days
Municipal, Sumner	10/12/2009	Four scheduled Furlough days
Municipal, Sumner	12/31/2009	Four scheduled Furlough days
Municipal, Union Gap		will change hours to M-Th, 7am-6pm. Closed every Friday, beg. 7-09
Superior, Garfield County	12/24/2009	closed due to staffing
Superior, Grays Harbor County	1/8/2009	inclement weather and transportation issues
Superior, King County Juvenile	6/29/2009	blocked sewer line
Superior, Lewis County	1/9/2009	weather/ flooding
Superior, Lewis County	1/8/2009	weather/ flooding
Superior, Lincoln County	8/4/2009	PJ on vacation
Sent: Friday, February 12, 2010 11:30 AM		
Subject: Furlough days for Courts		

Court Closures 2009-2010

<p>Do you know if there is a chart or calendar available with the dates that Courts are taking furlough days? I tried to get in touch with Skagit Superior Court Clerk today and was told that they are on a furlough day and that they will be doing that 1 day a month for the next 12 months. I don't want to recreate something if it already exists.</p>		
---	--	--

Court Furlough Days

Court Name	Dates Closed	Reason
District, Okanogan	3/1/2010	closing at 4:30 to public
District, Pend Oreille County	1/15/2010	furlough
District, Pend Oreille County	2/12/2010	furlough
District, Pend Oreille County	4/5/2010	furlough
District, Pend Oreille County	5/28/2010	furlough
District, Pend Oreille County	7/2/2010	furlough
District, Pend Oreille County	9/3/2010	furlough
District, Pend Oreille County	10/11/2010	furlough
District, Pend Oreille County	11/12/2010	furlough
		M,T,W, 8:30-3:30, closed 12-1:00; Th-F, 9-
District, Stevens County	1/1/2010	3:30, closed 12-1:00
Municipal, Aberdeen	4/10/2009	furlough
Municipal, Aberdeen	5/15/2009	furlough
Municipal, Aberdeen	6/12/2009	furlough
Municipal, Aberdeen	7/10/2009	furlough
Municipal, Aberdeen	8/14/2009	furlough
Municipal, Aberdeen	9/11/2009	furlough
Municipal, Aberdeen	10/16/2009	furlough
Municipal, Aberdeen	11/20/2009	furlough
Municipal, Aberdeen	12/24/2009	furlough
Municipal, Airway Heights	12/24/2009	closed for holiday
	Wednesdays, 6-29-09	
Municipal, Auburn	through the end of August	to complete a project
Municipal, Bainbridge Island	1/2/2009	furlough
Municipal, Bainbridge Island	2/13/2009	furlough
Municipal, Bainbridge Island	4/10/2009	furlough
Municipal, Bainbridge Island	5/22/2009	furlough
Municipal, Bainbridge Island	6/19/2009	furlough
Municipal, Bainbridge Island	9/4/2009	furlough
Municipal, Bainbridge Island	10/12/2009	furlough
Municipal, Bainbridge Island	12/24/2009	furlough
Municipal, Bainbridge Island	12/31/2009	furlough
Municipal, Edmonds	5/22/2009	furlough / monthly closings
Municipal, Edmonds	6/26/2009	furlough / monthly closings
Municipal, Edmonds	7/6/2009	furlough / monthly closings
Municipal, Edmonds	8/21/2009	furlough / monthly closings
Municipal, Edmonds	9/25/2009	furlough / monthly closings
Municipal, Edmonds	10/19/2009	furlough / monthly closings
Municipal, Edmonds	11/25/2009	furlough / monthly closings
Municipal, Edmonds	12/23/2009	furlough / monthly closings
Municipal, Edmonds	4/27/2009	furlough / monthly closings
Municipal, Normandy Park	11/25/2009	budget
Municipal, Ocean Shores	3/1/2010	furlough
Municipal, Ocean Shores	4/5/2010	furlough
Municipal, Ocean Shores	5/3/2010	furlough
Municipal, Ocean Shores	5/17/2010	furlough
Municipal, Ocean Shores	9/30/2010	furlough
Municipal, Ocean Shores	10/4/2010	furlough
Municipal, Ocean Shores	10/18/2010	furlough

Court Furlough Days


Municipal, Pacific	8/31/2009 furlough
Municipal, Pacific	9/14/2009 furlough
Municipal, Pacific	10/5/2009 furlough
Municipal, Pacific	11/2/2009 furlough
Municipal, Pacific	12/7/2009 furlough
Municipal, Pacific	2/1/2010 furlough
Municipal, Renton	5/22/2009 city-wide furlough
Municipal, Renton	9/4/2009 city-wide furlough
Municipal, Renton	10/12/2009 city-wide furlough
Municipal, Renton	11/25/2009 city-wide furlough
Municipal, Renton	5/22/2009 furlough
Municipal, Renton	9/4/2009 furlough
Municipal, Renton	10/12/2009 furlough
Municipal, Renton	11/25/2009 furlough
Municipal, SeaTac	2/12/2010 furlough
Municipal, SeaTac	5/28/2010 furlough
Municipal, SeaTac	11/12/2010 furlough
Municipal, SeaTac	2/12/2010 furlough
Municipal, SeaTac	5/28/2010 furlough
Municipal, SeaTac	11/12/2010 furlough
Municipal, Sumner	7/6/2009 Four scheduled Furlough days
Municipal, Sumner	9/4/2009 Four scheduled Furlough days
Municipal, Sumner	10/12/2009 Four scheduled Furlough days
Municipal, Sumner	12/31/2009 Four scheduled Furlough days
	will change hours to M-Th, 7am-6pm. Closed
Municipal, Union Gap	every Friday, beg. 7-09

**Superior Court of the State of Washington
for the County of King**

Mary I. Yu
Judge
Mary.Yu@kingcounty.gov

King County Courthouse
516 Third Ave., W-928
Seattle, WA 98104-2381

MEMO

TO: Chief Justice Barbara Madsen
FR: Judge Mary Yu 
DATE: April 08, 2010
RE: Immigration Arrests in Courtrooms and Courthouses

Chief, this memorandum is a follow-up to the brief conversation that we had regarding immigration arrests in our courtrooms and courthouses around the State. As you may recall, I shared a concern among various non-profit organizations working with immigrant populations regarding arrests occurring in courtrooms and courthouses. Apparently, there have been such arrests in courthouse corridors and lobby/waiting areas and as a result, there is a growing fear in immigrant communities about appearing in court.

The King County Superior Court addressed this issue last year out of concern that undocumented individuals would be afraid to come to court, especially in matters involving domestic violence protection orders and family matters (parenting plans). We even had some general civil cases where one's immigration status was an issue in jury selection and case presentation. I have included the policy we adopted for your review which was widely disseminated and posted on our court web site.

I initially raised the question with you because I believe the issue needs to be addressed in some fashion and it needs to be addressed in a comprehensive manner rather than on a court by court basis. I recognize that it is a sensitive matter but it is a fundamental matter of access to courts for all people. As a point of information, when King County Superior Court adopted the policy, we met with officials from the United States Department of Homeland Security, Immigration and Customs Enforcement and we were assured that they would abide by the policy.

I am happy to assist you in any manner with this effort and I can provide specific information, reports or statistics. I did not include them because the data can be overwhelming.

Thank you in advance.

Court Policy: No Courtroom Arrests Based on Immigration Status

The King County Superior Court judges affirm the principle that our courts must remain open and accessible for all individuals and families to resolve disputes under the rule of law. It is the policy of the King County Superior Court that warrants for the arrest of individuals based on their immigration status shall not be executed within any of the King County Superior Court courtrooms unless directly ordered by the presiding judicial officer and shall be discouraged in the King County Superior Court courthouses unless the public's safety is at immediate risk. Each judicial officer remains responsible for enforcing this policy within his or her courtroom. This policy does not prohibit law enforcement from executing warrants when public safety is at immediate risk.

In adopting this policy, the Superior Court recognizes that cooperation with other branches of government, including law enforcement agencies, is essential. The judges respectfully request that the county executive, in cooperation with the other branches of government, initiate a dialogue with the appropriate law enforcement agencies to develop a protocol implementing the policy which: 1) respects the dignity of the courtroom and the proceedings occurring in each of the courtrooms; and 2) discourages arrests inside of the courthouses.

Approved by the King County Superior Court Judges: April 22, 2008.

**Washington State Program
Addressing Immigration in the Washington Courts
State Justice Institute Grant**

The Administrative Office of the Courts, on behalf of the Gender and Justice Commission, submitted and was awarded a grant from the State Justice Institute (SJI). Grant funds will be used to develop a program that will train all judicial officers and key court personnel on a consistent policy and practices for managing immigration issues that arise within our courts.

Need Statement

Washington State continues to be the home of one of the nation's more diverse, growing, and widespread populations of both legal permanent residents and undocumented immigrants. The Eastern, more rural, portions of the state include sizeable populations of Latino immigrants and rapidly expanding populations from Eastern Europe. The Western portion of the state, including the Seattle/Tacoma metro areas, has rapidly expanding Asian, Latino, Middle Eastern, Eastern European, and African populations, including one of the nation's largest Somali communities.

As one result, judges and court personnel across the state have become increasingly interested in addressing both the immediate challenges posed by immigrant populations on day-to-day court operations, and the longer-term strategic policy choices the courts must confront in the immigration arena. Of particular concern today, judges and court personnel believe they are increasingly challenged by a rising number of immigrant families with children, and the complexities of domestic and family violence within immigrant communities.

Grant Program

1. An advisory group will be formed to identify current issues and practices and to craft a consistent policy and procedures for responding to identified challenges and situations facing the courts.

Proposed Advisory Group: Representatives from the District and Municipal Court Judges' Association (DMCJA) Diversity Committee, District and Municipal Court Managers Association (DMCMA), Gender and Justice Commission, Minority and Justice Commission, Interpreter Commission, Superior Court Judges' Association (SCJA) Equality and Fairness Committee, Washington Association of Superior Court Administrators (WASCA) and Washington State Association of County Clerks (WSACC).

2. Concurrently, courts will be requested to provide the specific immigration situations and concerns they have and copies of their current policies and procedures.
3. A web cast will be conducted that will provide a review and findings of the results of the data gathering and advisory group meeting with an opportunity for participants to respond.
4. This information will be used in conjunction with the SJI sponsored immigration initiative to develop core curriculum that will be presented at judicial conferences and/or regional training events.
5. The culmination of this work will be the development of a judicial bench guide.

Contact: Myra Downing at 360-705-5290 or Myra.Downing@courts.wa.gov

**Washington State Judicial Branch
Final 2010 Supplemental Budget Analysis
April 13, 2010**

Agency	Amount Requested	As Passed by the Legislature
Supreme Court	<ul style="list-style-type: none"> \$23,000 miscellaneous costs 	<ul style="list-style-type: none"> \$23,000 miscellaneous costs \$68,000 health insurance cost increase (\$40,000) agency wide reductions FY 2010 (\$75,000) agency wide reductions FY 2011 (\$150,000) temporary layoffs FY2011 <p>Reduction represents a 1.0% reduction in FY 2010 and a 4.3% reduction in FY 2011</p>
Law Library	<ul style="list-style-type: none"> \$13,000 miscellaneous costs 	<ul style="list-style-type: none"> \$16,000 miscellaneous costs (\$254,000) administrative efficiencies FY2011 (\$24,000) temporary layoffs 2011 <p>The reduction represents a 13.4% reduction in FY 2011</p>
Court of Appeals	<ul style="list-style-type: none"> \$47,000 miscellaneous costs 	<ul style="list-style-type: none"> \$49,000 miscellaneous costs \$150,000 health insurance cost increase (\$200,000) agency wide reduction FY 2010 (\$40,000) agency wide reduction FY 2011 (\$44,000) temp layoffs FY 2011 <p>Reduction represents a 1.7% reduction in FY 2010 and a .3% reduction in FY 2011</p>
Administrative Office of the Courts	<ul style="list-style-type: none"> \$467,000 miscellaneous costs \$979,000 federal authority \$3,797,000 JIS \$866,000 Quality assurance program transfer from DSHS 	<ul style="list-style-type: none"> \$556,000 miscellaneous costs \$979,000 federal authority \$3,797,000 JIS \$274,000 Office of Public Guardianship \$44,000 Guardianship program JIS-SHB 2860 programming costs (\$649,000) agency wide reduction FY 2011 (\$344,000) temporary layoffs general fund FY 2011 (\$161,000) temporary layoffs JIS FY 2011 JIS proviso is corrected \$1.5 million transferred from the JIS fund balance to the state general fund \$100,000 of existing JIS appropriation allocated for an independent review of the judicial information system <p>The reduction represents a 4.9% reduction in the FY 2011 adjusted budget</p>

**Washington State Judicial Branch
Final 2010 Supplemental Budget Analysis
April 13, 2010**

Agency	Amount Requested	As Passed by the Legislature
Office of Public Defense	<ul style="list-style-type: none"> • \$12,000 miscellaneous costs 	<ul style="list-style-type: none"> • \$19,000 miscellaneous costs • (\$20,000) temporary layoffs FY 2011 <p>The reduction represents a 1.2% reduction in the FY 2011 operational budget</p>
Office of Civil Legal Aid	<ul style="list-style-type: none"> • \$1,000 miscellaneous costs 	<ul style="list-style-type: none"> • \$0 miscellaneous costs • (\$121,000) administrative efficiency reduction in FY 2011 • (\$5,000) temporary layoffs FY 2011 <p>The reduction represents a 1.0% reduction of the FY 2011 budget</p>
Commission of Judicial Conduct	<ul style="list-style-type: none"> • \$27,000 miscellaneous costs 	<ul style="list-style-type: none"> • \$27,000 miscellaneous costs • (\$7,000) administrative efficiency reduction in FY 2011 • (\$27,000) temporary layoffs FY 2011 <p>The reduction represents a 3.1% reduction of the FY 2011 budget.</p>

2009-2011 Initial and 2010 Supplemental Budget Reduction Summary Judicial Branch April 13, 2010

AOC Comparison	General Fund State					Other		
	09-11 ML	Combined '09 & 10 Percent Reduction	Amount of 2009 Agency Reduction *	Amount of 2010 Agency Reduction	Other Policy Changes **	Judicial Stabilization Trust	Judicial Information Systems	2009 FTE Reduction
Supreme Court	11,834	-16.3%	-1,661	-265	-129	0	0	-3.0
State Law Library	4,594	-23.1%	-781	-278	-2	0	0	-1.0
Court of Appeals	26,741	-16.7%	-4,183	-284	-259	0	0	-6.0
AOC	50,754	-21.3%	-9,804	-993	-6,507	6,598	33,406	-15.0
Public Defense	54,142	-2.2%	-1,190	-20	-2,956	2,923	0	-1.5
Civil Legal Aid	23,622	-1.3%	-177	-126	-822	1,160	0	0.0
Judicial Conduct	2,328	-9.5%	-186	-34	-1	0	0	0.0
Total:	174,015	-11.48%	-17,982	-2,000	-10,676	10,681	33,406	-26.5

Supreme Court: Funding reduction of \$1,224,000 in 2009, elimination of \$437,000 in merit funding in 2009 and the 2010 reduction of \$265,000.

Base excludes Justices salary & benefits.

Law Library: Funding reduction of \$730,000 in 2009, elimination of \$51,000 in merit funding in 2009 and the 2010 reduction of \$278,000.

Court of Appeals: Funding reduction of \$2,795,000, the elimination of \$1,388,000 in merit funding in 2009 and the 2010 reduction of \$288,000.

Base excludes Judges salary & benefits.

AOC ML excludes JIS, superior court judges' salaries and the Becca and Truancy pass through programs.

* 2009 reduction includes the non-funding of merit increments for the Supreme Court, Law Library and Court of Appeals

** Other Policy Changes primarily include changes to the actuarial computation of retirement contributions, moving general fund appropriation to the judicial stabilization trust account and providing funds to cover the increase in health care costs.

BOARD FOR JUDICIAL ADMINISTRATION

2010 Legislative Session — *Sine Die* Report

April 13, 2010

The legislature adjourned *sine die* with 23 hours to spare in the 30-day special session early Tuesday morning. The regular, 60-day session ended on March 11. The Governor had until April 1 to act on the bills passed during the regular session either by affirmatively signing them into law or by vetoing them in whole or in part. If the Governor fails to act on a bill, it becomes law automatically. Unless otherwise stated, this year's legislation becomes effective on June 10, 2010. For the special session, the twenty-day clock for acting on bills restarts at the date of adjournment, as does the ninety days for effective dates.

BILL NUMBER	BILL TITLE	DESCRIPTION	BJA POSITION	STATUS
HB 1003	Dissolution of Ports	Requires the petitioner in certain proceedings, instead of the court clerk, to provide notice of those proceedings.	Support	Dead
SHB 1783/ 2SSB 5912	Supreme Court Campaigns	Public funding for supreme court campaigns	Concerns	Dead
SHB 2457	Pro Se Defendants and Witnesses	Placed restrictions on pro se defendants when questioning witnesses	NP	Dead
HB 2489	Retirement Age for Judges	Removes the mandatory retirement age for judges	Support	Dead
ESHB 2518	Interpreter Oath	Modifying oath requirements for interpreters	BJA request	Signed by Gov.
HB 2520/ SB 6415	Yakima Judge	Increased the number of superior court judge positions in Yakima Co. by one	BJA request	Dead
E2SHB 2617/ ESSB 6426	Eliminating certain boards and commissions.	Certain boards and commissions are eliminated. Restrictions on allowances for subsistence, lodging, and travel.	No Position	Signed by Gov.
HB 2625	Bail for Felony Offenses	Provides procedures for pretrial release and detention. (Trailer Bill)	Watch	Signed by Gov.
HB 2637	Local Govt. Taxation	Included temporary suspension of nonsupplant language	Support nonsupplant provision	Dead
HB 2650	Severe Economic Downturns	Providing local flexibility with existing revenues during severe economic downturns.	Support nonsupplant provision	Dead

HB 2681	Compensation for Part-time Judges	DMCJA legislation allowing compensation for part-time services	Support	Signed by Gov.
ESHB 2747/ SSB 6500	Use of Restraints	Limits use of restraints on pregnant women.	No Position	Signed by Gov.
HB 2773/ ESSB 6424	Local Excise Tax Authorities	Included temporary suspension of nonsupplant language	Support nonsupplant provision	Dead
ESHB 2777	Domestic Violence Provisions	A number of changes to the laws relating to domestic violence. Requires AOC action.	Watch	Signed by Gov./ Partial Veto
SHB 2778	Domestic Violence	A number of changes to the laws relating to domestic violence.	NP	Dead
SHB 2827	Domestic Violence/Release	Prohibited pre-arraignment release	NP	Dead
HB 3043	Access to Justice Account	Redirected JIS Account funding to the Access to Justice Account	Oppose	Dead
HB 3056	Pretrial Release & Detention	Original "trailer bill" to constitutional amendment	Oppose	Dead
ESHB 3178	Technology Efficiencies	Creates efficiencies in the use of technology in state government – has some JIS impact.	No position by BJA	Signed by Gov./ Partial Veto
HJR 4216	Retirement Age for Judges	Constructional amendment eliminating the mandatory retirement age for judge.	Support	Dead
HJR 4218/ SJR 8218	Offenses Not Bailable	Constitutional amendment – offenses with a possible mandatory life sentence are not bailable by sufficient sureties.	Oppose	Dead
ESHJR 4220/ SJB 8224	Bailable Crimes/St. Const.	Constitutional amendment – a judge may deny bail to a person charged with an offense punishable by life in prison upon a showing of likelihood of danger.	Watch	Filed with SOS
2ESSB 6143	Relating to revenue and taxation.	Adds certain sales taxes, increases B&O tax on services, other revenue generation.	No Position	Del. To Gov.
SSB 6323	Service of Protection Orders	Concerned the service of protection orders on persons with disabilities	Watch	Dead
ESSB 6444/ SHB 2824	Operating Budget	2010 supplemental operating appropriations.	Concerns	Del. To Gov.

ESSB 6499/ SHB 2897	Tolls: Collection, Use	Removes the adjudication of toll violations from the courts	Oppose	Signed by Gov.
SB 6450	Court Reporters	Requires DOL to establish continuing education requirements	No Position	Signed by Gov.
SSB 6490	Driver's & Vehicle Licenses	Certain DWLS-3 offenses are no longer defined as a misdemeanor.	No Position	Dead
ESSB 6503	Closing State Agencies	Requires employee compensation- related reductions or furloughs	Concerns	Del. To Gov.
2ESSB 6508	Wrongful Death & Survival	Changed the class of persons entitled to recover under a wrongful death or survival action. Included, at one point, additional court fees.	Oppose	Dead
SB 6257	Jurors/Unqualified Persons	Notifying SOS when a person summoned for jury duty does not meet the qualifications.	No Position	Dead
E2SSB 6561	Juvenile Offender Records	Restricts access to juvenile records, including Class A felonies.	No Position	Signed by Gov.
SB 6618	Family Friendly Court Grant	Created grant program for court- based childcare services.	No Position	Dead
SSB 6673	Bail Practices Task Force	Appoints task force to study bail practices and procedures.	Support	Signed by Gov.
SSB 6680	Taxes for Criminal Justice	Authorizes counties to impose local excise taxes for criminal justice purpose.	Support nonsupplant provision	Dead
SSB 6686	Municipal Court Judges	Changing the election requirements for municipal court judges	BJA Request	Dead
SB 6779	Pretrial Release & Detention	Allowed judge to deny bail only if the pretrial detention would reasonably assure public safety.	Oppose	Dead
SSB 6871/ HB 2365 (T.O.)	Judicial System Funding	Moved traffic infraction penalty revenue to the JSTA and backfilled Auto Theft Prevention Account with fee on insurance policies	No Position	Dead

CERTIFICATION OF ENROLLMENT
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2617

Chapter 7, Laws of 2010

61st Legislature
2010 1st Special Session

BOARDS AND COMMISSIONS--ELIMINATION

EFFECTIVE DATE: Contingent on Sine Die - Except sections 1-118, 125-135 and 141-146, which become effective 06/30/10; section 136, which becomes effective 11/15/10; and sections 119 and 123, which become effective 06/30/11.

Passed by the House March 19, 2010
Yeas 89 Nays 3

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 18, 2010
Yeas 40 Nays 1

BRAD OWEN

President of the Senate

Approved March 29, 2010, 2:45 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2617** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

March 30, 2010

**Secretary of State
State of Washington**

1 (3) The director of financial management may prescribe reasonable
2 allowances to cover reasonable expenses for meals, coffee, and light
3 refreshment served to elective and appointive officials and state
4 employees regardless of travel status at a meeting where: (a) The
5 purpose of the meeting is to conduct official state business or to
6 provide formal training to state employees or state officials; (b) the
7 meals, coffee, or light refreshment are an integral part of the meeting
8 or training session; (c) the meeting or training session takes place
9 away from the employee's or official's regular workplace; and (d) the
10 agency head or authorized designee approves payments in advance for the
11 meals, coffee, or light refreshment. In order to prevent abuse, the
12 director may regulate such allowances and prescribe additional
13 conditions for claiming the allowances.

14 (4) Upon approval of the agency head or authorized designee, an
15 agency may serve coffee or light refreshments at a meeting where: (a)
16 The purpose of the meeting is to conduct state business or to provide
17 formal training that benefits the state; and (b) the coffee or light
18 refreshment is an integral part of the meeting or training session.
19 The director of financial management shall adopt requirements necessary
20 to prohibit abuse of the authority authorized in this subsection.

21 (5) The schedule of allowances prescribed by the director under the
22 terms of this section and any subsequent increases in any maximum
23 allowance or special allowances for areas of higher than usual costs
24 shall be reported to the ways and means committees of the house of
25 representatives and the senate at each regular session of the
26 legislature.

27 (6) Beginning July 1, 2010, through June 30, 2011, no person
28 designated as a member of a class one through class three or class five
29 board, commission, council, committee, or similar group may receive an
30 allowance for subsistence, lodging, or travel expenses if the allowance
31 cost is funded by the state general fund. Exceptions may be granted
32 under section 605, chapter 3, Laws of 2010.

33 **Sec. 142.** RCW 43.03.220 and 1984 c 287 s 2 are each amended to
34 read as follows:

35 (1) Any part-time board, commission, council, committee, or other
36 similar group which is established by the executive, legislative, or

1 judicial branch to participate in state government and which functions
2 primarily in an advisory, coordinating, or planning capacity shall be
3 identified as a class one group.

4 (2) Absent any other provision of law to the contrary, no money
5 beyond the customary reimbursement or allowance for expenses may be
6 paid by or through the state to members of class one groups for
7 attendance at meetings of such groups.

8 (3) Beginning July 1, 2010, through June 30, 2011, no person
9 designated as a member of a class one board, commission, council,
10 committee, or similar group may receive an allowance for subsistence,
11 lodging, or travel expenses if the allowance cost is funded by the
12 state general fund. Exceptions may be granted under section 605,
13 chapter 3, Laws of 2010. Class one groups, when feasible, shall use an
14 alternative means of conducting a meeting that does not require travel
15 while still maximizing member and public participation and may use a
16 meeting format that requires members to be physically present at one
17 location only when necessary or required by law. Meetings that require
18 a member's physical presence at one location must be held in state
19 facilities whenever possible, and meetings conducted using private
20 facilities must be approved by the director of the office of financial
21 management.

22 (4) Beginning July 1, 2010, through June 30, 2011, class one groups
23 that are funded by sources other than the state general fund are
24 encouraged to reduce travel, lodging, and other costs associated with
25 conducting the business of the group including use of other meeting
26 formats that do not require travel.

27 **Sec. 143.** RCW 43.03.230 and 2001 c 315 s 11 are each amended to
28 read as follows:

29 (1) Any agricultural commodity board or commission established
30 pursuant to Title 15 or 16 RCW shall be identified as a class two group
31 for purposes of compensation.

32 (2) Except as otherwise provided in this section, each member of a
33 class two group is eligible to receive compensation in an amount not to
34 exceed one hundred dollars for each day during which the member attends
35 an official meeting of the group or performs statutorily prescribed
36 duties approved by the chairperson of the group. A person shall not
37 receive compensation for a day of service under this section if the

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 2921

Chapter 3, Laws of 2010

61st Legislature
2010 Regular Session

2009-11 OPERATING BUDGET

EFFECTIVE DATE: 02/15/2010 - Except sections 601 through 605,
which become effective 03/17/10.

Passed by the House February 10, 2010
Yeas 97 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate February 9, 2010
Yeas 45 Nays 3

BRAD OWEN

President of the Senate
Approved February 15, 2010, 3:40 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2921** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED
February 16, 2010

Secretary of State
State of Washington

1 STATE EMPLOYEE TRAVEL AND TRAINING. (1) State agencies of the
2 legislative, executive, and judicial branches shall not make
3 expenditures for the cost or reimbursement of out-of-state travel or
4 out-of-state training by state employees where the travel or training
5 is not related to an emergency or other catastrophic event that
6 requires government action to protect life or public safety, or direct
7 service delivery, and the travel or training occurs after the effective
8 date of this section and before July 1, 2011.

9 (2) This section does not apply to travel expenditures when the
10 costs are funded exclusively from private or federal grants. This
11 section does not apply to the unemployment insurance program of the
12 employment security department, to costs that are for tax and fee
13 collection, for revenue generation and audit activities, or for
14 receiving or maintaining federal funds by the state, or, in
15 institutions of higher education, to costs not funded from state funds
16 or tuition. This section also does not apply to costs related to
17 carrying out a court order or to costs to travel by air into Washington
18 state from any airport located in a contiguous state of which the
19 largest city is part of a metropolitan statistical area with a city
20 located in Washington state, or to motor vehicle and parking costs for
21 single day travel to a contiguous state or British Columbia, Canada.

22 (3) Exceptions to this section may be granted under section 605 of
23 this act.

24 NEW SECTION. **Sec. 605.** A new section is added to 2009 c 564
25 (uncodified) to read as follows:

26 EXCEPTIONS. (1) Exceptions to sections 601 through 604 of this act
27 may be granted for the critically necessary work of an agency as
28 provided in this section.

29 (2) For agencies of the executive branch, the exceptions shall be
30 subject to approval by the director of financial management or the
31 director's designee. For agencies of the judicial branch, the
32 exceptions shall be subject to approval of the chief justice of the
33 supreme court. For the house of representatives and the senate, the
34 exceptions shall be subject to approval of the chief clerk of the house
35 of representatives and the secretary of the senate, respectively, under
36 the direction of the senate committee on facilities and operations and
37 the executive rules committee of the house of representatives. For

1 other legislative agencies, the exceptions shall be subject to approval
2 of both the chief clerk of the house of representatives and the
3 secretary of the senate under the direction of the senate committee on
4 facilities and operations and the executive rules committee of the
5 house of representatives.

6 (3) Exceptions approved under subsection (2) of this section shall
7 take effect no sooner than five business days following notification of
8 the chair and ranking minority member of the ways and means committees
9 in the house of representatives and the senate. The person approving
10 exceptions under subsection (2) of this section shall send the
11 exceptions to the legislature for consideration every thirty days from
12 the effective date of this section, or earlier should volume or
13 circumstances so necessitate.

14 (4) Exceptions approved and taking effect under this section shall
15 be published electronically at least quarterly by the office of
16 financial management on the state fiscal web site.

17 (5) Sections 601 through 604 of this act do not apply to
18 agricultural commodity commissions and boards, and agricultural
19 inspection programs operated by the department of agriculture.

20 ~~NEW SECTION. Sec. 606. If any provision of this act or its~~
21 ~~application to any person or circumstance is held invalid, the~~
22 ~~remainder of the act or the application of the provision to other~~
23 ~~persons or circumstances is not affected.~~

24 ~~NEW SECTION. Sec. 607. This act is necessary for the immediate~~
25 ~~preservation of the public peace, health, or safety, or support of the~~
26 ~~state government and its existing public institutions, and takes effect~~
27 ~~immediately, except for sections 601 through 605 of this act which take~~
28 ~~effect thirty days after the effective date of this act.~~

(End of part)